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Response Under 37 C.F.R. §1.116
Expedited Procedure
Examining Group 3641

PATENT
ATTORNEY DOCKET NO. 046124-5114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Masatoshi FUJIMOTO et al.

Application No.: 10/076,273

Filed: February 19, 2002

For: RADIOISOTOPE GENERATING
APPARATUS

Group Art Unit: 3641

Examiner: J. Richardson

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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Sir:

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 7, 2003, finally rejecting claims 1 and 2.

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants

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02 FC:1253 930.00 DA



have inadvertently overlooked the need for a petition and fee for extension of time.

- ☒ Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$ 205.00
<input checked="" type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$ 1,450.00	\$ 725.00

- ☒ The extension of time fee due with this request is: \$930.00.

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

- ☐ The fee in the amount of \$320.00 to cover the appeal fee is enclosed.
- ☒ The Commissioner is authorized to charge the appeal fee of \$320.00 to Deposit Account No. 50-0310.

3. Fee Payment

- ☒ The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of \$1,250.00 representing \$320.00 for the Notice of Appeal fee and \$930.00 for the three-month extension of time fee.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: September 5, 2003

By:



Paul A. Fournier

Reg. No. 41,023

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